

U.S. Department of Justice  
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF	D.N. Kelley + Son, INC	COURT CASE NUMBER	03-12593 RWZ
DEFENDANT	7/1 Resilience	TYPE OF PROCESS	Arrest of Vessel
<b>SERVE</b> ➔ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

Plaintiff/Custodian Seeks Release From Custody  
SEE ORDERS of Zobel J. 2/27/04

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
		508 999-0600	2/27/04

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 38	No. 38	Kenny Salamea	3/1/04

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service Time am pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS: Released by Court Order 2/27/04 nt



U. S. Department of Justice

United States Marshals Service

*District of Massachusetts*

---

*John J. Moakley U.S. Courthouse  
1 Courthouse Way, Suite # 1-500  
Boston, Massachusetts 02210  
(617) 748-2500*

*March 2, 2004 (1:08pm)*

I, ANTHONY DICHIO, United States Marshal for the District of Massachusetts, hereby certify and return that on this date I have delivered F/V RESILIENCE to WAYNE E. FRYE, JR.

\_\_\_\_\_  
ANTHONY DICHIO  
UNITED STATES MARSHAL

BY: \_\_\_\_\_

Deputy U.S. Marshal

I, Wayne E Frye Jr, hereby certify that on this date I received from ANTHONY DICHIO, United States Marshal for the District of Massachusetts, the F/V RESILIENCE.

Wayne E Frye Jr



U. S. Department of Justice

United States Marshals Service

*District of Massachusetts*

---

*John J. Moakley U.S. Courthouse  
1 Courthouse Way, Suite # 1-500  
Boston, Massachusetts 02210  
(617) 748-2500*

*March 2, 2004 (1:09pm)*

D.N. KELLEY & SON, INC.

CV-03-12593-RWZ

VS.

F/V RESILIENCE (ex F/V BULLWINKLE) (O.N.660487), her  
engines, tackle and equipment, apparel, appurtenances, etc., *in rem*.

Claimant: F/V RESILIENCE /WAYNE E. FRYE, JR.

To: D.N. KELLEY & SON, INC., Keepers and Custodians  
in charge of the: F/V RESILIENCE, herein seized.

You will release from seizure and deliver to the Claimant the  
F/V RESILIENCE herein seized.

A handwritten signature in black ink, appearing to read "Anthony Dichio", is written over a horizontal line.

ANTHONY DICHIO  
United States Marshal  
District of Massachusetts

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
D.N. KELLEY & SON, INC.

Plaintiff,

vs.

CIVIL ACTION NO. 03 12593RWZ

F/V RESILIENCE (ex F/V BULLWINKLE)  
(O.N. No. 660487), her engines, tackle, apparel,  
appurtenances, etc., *in rem*,

**ORDER OF RELEASE**

Defendant.  
-----X

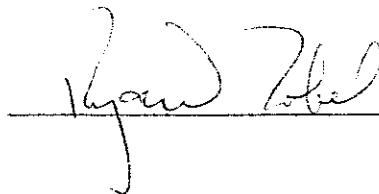
The Plaintiff, having filed a Stipulation of Release on the F/V Resilience stating that:

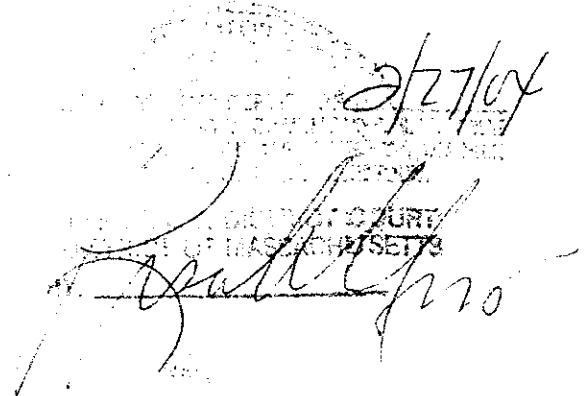
Plaintiff assents to the Release of the F/V Resilience from the custody of this Court; and

Further that the cost of the Substitute Custodian have been paid in full,

IT IS HEREBY ORDERED that the Defendant Vessel F/V Resilience (ex-F/V  
Bullwinkle) her engines, tackle, apparel, appurtenances, etc., *in rem*, are hereby released from  
the custody of this Court.

Dated: 2/27/04

  
\_\_\_\_\_

  
\_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION

NO. 03cv12593-RWZ

WARRANT TO DELIVER

To the Marshal of our District of Massachusetts or either of her Deputies:

WHEREAS a COMPLAINT was filed in this Court against the

F/V RESILIENCE (ex F/V BULLWINKLE)

and WHEREAS the United States Marshal seized said vessel on process issued out  
of this Court on DECEMBER 23, 2003; and

WHEREAS said vessel F/V RESILIENCE (ex BULLWINKLE) was seized.

IT IS HEREBY ORDERED that said F/V RESILIENCE (ex BULLWINKLE)

be returned to the party from whom taken.

Dated at Boston, Massachusetts, this 27th day of February, 2004.

TONY ANASTAS  
CLERK OF COURT

By: 

Deputy Clerk

SEAL

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
D.N. KELLEY & SON, INC.,

Plaintiff.

vs.

CIVIL ACTION NO. 03 12593RWZ

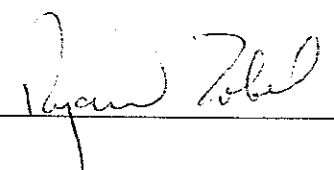
F/V RESILIENCE (*ex F/V BULLWINKLE*)  
(O.N. No. 660487), her engines, tackle, apparel,  
appurtenances, etc., *in rem*,

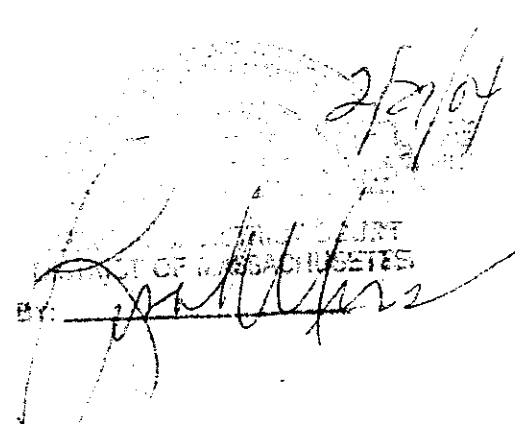
**ORDER OF DISMISSAL**

Defendant.  
-----X

The Plaintiff, having filed a Voluntary Dismissal pursuant to F.R.C.P. Rule 41(a)(1)(i) seeking the dismissal of the instant action, without prejudice, it is hereby ORDERED that the instant action be dismissed without prejudice and without costs.

Dated: 2/27/04

  
\_\_\_\_\_

  
The stamp contains the text: DISTRICT OF MASSACHUSETTS  
BY: \_\_\_\_\_